IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 19992 of 2006(E)

AGAINST THE ORDER DATED 28/03/1977 IN CC. 73/1973 AND CC.72/1973 of TALUK LAND BOARD, OTTAPALAM

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PETITIONER:

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1. MOCHIKKAL KUNHALI, S/O.MOHAMMEDKUTTY, MOCHIKKAL (H), THRIPRANGODE AMSOM, TIRUR TALUK, KAYINJIKKARA DESOM.

2. HAMSA HAJI, S/O.MOHAMMEDKUTTY, MOCHIKKAL (H),THRIPRANGODE AMSOM, KAYINJIKKARA DESOM, TIRUR TALUK.

3. MOOSA, S/O.MOHAMMEDKUTTY, MOCHIKKAL (H), THRIPRANGODE AMSOM, KAYINJIKKARA DESOM, TIRUR TALUK.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS:

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1. THE TALUK LAND BOARD, OTTAPPALAM.

2. THE TAHASILDAR, OTTAPPALAM.

3. THE VILLAGE OFFICER, VADAM KURISSI VILLAGE, OTTAPPALAM TALUK.

BY GOVT.PLEADER SRI.SHYSON P.MANGUZHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.19992/06

APPENDIX

PETITIONERS' EXTS:

EXT.P1 – TRUE COPY OF THE ORDER DT.28.3.1977 OF R1.

EXT.P2 – TRUE COPY OF PROCEEDING OF R1-TALUK LAND BOARD.

EXT.P3 – TRUE COPY OF APPLICATION DT.27.3.1999 SUBMITTED BY PETRS. AND THEIR BROTHER BEFORE THE R1.

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C)No.19992 OF 2006

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DATED THIS THE 19th JULY, 2007

J U D G M E N T

The Government Pleader seeks time on the reason that the case bundle has not been sent to him. But I find that one of the reliefs sought for in the Writ Petition is that an application Ext.P3 filed by the petitioners under Section 85(8) of the Kerala Land Reforms Act is pending before the 1st respondent-Taluk Land Board and the Taluk Land Board be directed to take a decision on the same. Noticing that prayer, I am of the view that the merits of the other grounds raised in the Writ Petition and the grantability of the other reliefs need not be considered now.

The Writ Petition will stand disposed of issuing the following directions:-

The 1st respondent will take up Ext.P3, hear the petitioners and also other affected persons and take a decision on Ext.P3 at the earliest and at any rate within four months of receiving copy of this judgment. While taking a decision on Ext.P3, implications of Act 21 of 2006 (by which Section 7E has been introduced and Section 84 has

been amended) will also be considered by the Taluk Land Board. The order of stay presently passed will continue till such time as a decision is taken on Ext.P3.

(PIUS C.KURIAKOSE, JUDGE)

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